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OFFICE OF PETITIONS

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of :
Granger, et al. : DECISION ON APPLICATION
Application No. 09/373,625 : FOR PATENT TERM ADJUSTMENT
Filed: August 13, 1999 :
Atty. Dkt. No.: PIP-15-GRANUSCP :

This is a decision on the "37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT," filed November 16, 2007. This matter is being properly treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 322 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed October 18, 2007, indicated a patent term adjustment (PTA) to date of 12 days. The instant application for PTA was timely filed November 16, 2007. Applicants argue that the application is entitled to an overall adjustment of 583 days.

Applicants do not contest the adjustments to date of 127 days.

Applicants do not contest the reductions to date of 115 days.

Applicants, however, argue that the application is entitled to an additional adjustment of 446 days in connection with the mailing of the Notice of Allowance on October 18, 2007.

A review of the record reveals that applicants are correct. A reply to the non-final Office action mailed November 29, 2005 was received March 29, 2006. In accordance with 37 CFR 1.702(a)(2), the application is entitled to a further reduction of 446 days. The adjustment began July 30, 2006, the day after the date that is four months after the date that the reply was filed, and ended October 18, 2007, the date that the Notice of Allowance was mailed. See, 37 CFR 1.703(a)(2).

However, the adjustment is properly further reduced 29 days in accordance with 37 CFR 1.704(b) in connection with the reply filed March 29, 2006. The reduction began March 1, 2006, the day after the date that is three months after the date that the Office action was mailed, and ended March 29, 2006, the date that the reply to the Office action was filed.

The adjustment is further properly reduced an additional 107 days in accordance with 37 CFR 1.704(c)(8) in connection with the Information Disclosure Statement (IDS) filed July 14, 2006. The reduction began March 30, 2006, the day after the date that the initial reply was filed, and ended July 14, 2006, the date that the IDS was filed.

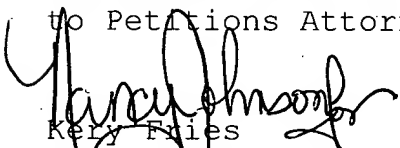
In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 322 days (adjustments totaling 573 days less reductions totaling 251 days).

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kerry Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Tuesday
Date : 8/12/2008

PALM INTRANET

Time: 18:54:32

PTA Calculations for Application: 09/373625

Application Filing Date:	08/13/1999	PTO Delay (PTO):	127
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	115
Post-Issue Petitions:	0	Total PTA (days):	322
PTO Delay Adjustment:	310		

File Contents History

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106	10/18/2007	MAIL NOTICE OF ALLOWANCE			
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90	10/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
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46	11/20/2002	REQUEST FOR CONTINUED EXAMINATION (RCE)			
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44	11/20/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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